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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Att. Dkt. No.: 11899.0152.DVUS01  
(MOBT:152-2)

Prior Application Examiner:  
Remy Yucel


Prior Group Art Unit: 1636

Classification Designation:

**BOX PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAILING
NUMBER EL 521287815US
DATE OF DEPOSIT <u>February 8, 2001</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, DC 20231.
 Signature

**REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/420,119 filed October 18, 1999, entitled "PHAE and PHAC components of poly(hydroxy fatty acid) synthase from *Thiocapsa pfennigii*."

- ☒ 1. Enclosed is a copy of the original application Serial No. 08/809,286 as originally filed, including specification, claims, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or

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both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/420,119.

(b) ☒ Also enclosed is a copy of the substitute Specifications filed with prior Application Serial No. 09/420,119.

☒ 2. The Commissioner is hereby authorized to charge the Howrey Simon Arnold & White, LLP deposit account, specified in Clause No. 3 below, the amount of \$ 836 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$710.00
Total Claims	27 - 20 =	7 X	\$18.00 =	\$126.00
Independent Claims	1 - 3 =	0 X	\$80.00 =	\$0.00
Multiple Dependent Claim(s) -----				\$0.00
<b>TOTAL FILING FEES:</b>				<b>\$836.00</b>

☒ 3. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application,

or credit any overpayment to Howrey Simon Arnold & White, LLP Deposit  
Account No. 01-2508/11899.0152.DVUS01/KAM.

- ☒ 4. Address all future communications to:
- Patricia A. Kammerer  
Howrey Simon Arnold & White, LLP.  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400
- ☒ 5. The prior application is presently assigned to Monsanto Company.
- ☒ 6. Enclosed is a copy of the Power of Attorney.
- ☒ 7. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☒ 8. Amend the substitute Specifications by replacing the first paragraph, page 2, by: -  
-This is a divisional of co-pending application Serial No. 09/420,119 filed October 18, 1999, which is a divisional application of Serial No. 08/809,286 filed July 3, 1997, now issued (US Patent No. 6,011,144), which is a § 371 National Stage Application of PCT/DE95/01279, filed September 15, 1995, which claimed priority to German Application P 4433 134.7, filed September 16, 1994.--
- ☒ 9. Enclosed is a sequence listing in computer readable form and a paper copy, together with the Statement required under 37 C.F.R. § 1.821(f) stating that the information recorded in the computer readable form is identical to the written sequence listing.
- ☒ 10. Enclosed are the Formal Drawings.

- ☒ 11. Enclosed is an Information Disclosure Statement with the accompanying form PTO 1449.
- ☒ 12. Return Receipt Postcard.

Respectfully submitted,



Patricia A. Kammerer  
Reg. No. 29,775  
ATTORNEY FOR ASSIGNEE,  
MONSANTO COMPANY

Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

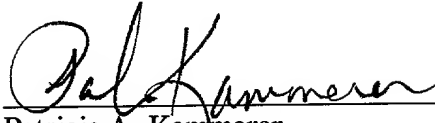
February 8, 2001

[illegible]

Respectfully submitted,

February 8, 2001

Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, TX 77057-3298

A handwritten signature in black ink, appearing to read "Patricia A. Kammerer", written over a horizontal line.

Patricia A. Kammerer  
Registration No. 29,775  
ATTORNEY FOR ASSIGNEE